

Attorney Dkt. No. 15155  
Serial No. 09/627,166  
Filed: July 27, 2000

**REMARKS**

Upon entry of this response, claims 1, 4-7, 10 and 12-14 are pending in the application. Claims 1 and 6 are independent claims drawn to an apparatus for producing asphalt pellets with claims 4 and 5 depending from claim 6, while claims 7 and 10 are independent claims drawn to a method for producing asphalt pellets with claims 12-14 depending from claim 10.

As is indicated above, this supplemental response is being filed for the purpose of entering the declaration under 37 CFR 1.131 of Yoram Bronicki, the third inventor of this application. At the time of the filing of the previous response, Mr. Bronicki was out of the country and unable to execute the declaration. Mr. Bronicki has now returned and executed the enclosed declaration. Therefore, Applicants respectfully request entry of the declaration into this case.

To reiterate the remarks made in the previous response, as can be seen by the enclosed Declaration and exhibit attached thereto, the inventors had conceptual basis for the claimed invention prior to the publication date of the article relied upon by the Examiner. In particular, the exhibit attached to the declaration indicates the formation of the pellets, the formation of the slurry and the transportation thereof, all of which is included in the independent

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claims currently under consideration in this application. Further, the declaration sets forth reduction to practice of an apparatus in accordance with claims in Israel, also prior to the publication date of the reference relied upon by the Examiner. Thus, Applicants respectfully submit that conception of the claimed invention predates the Oil & Gas Journal, and thus the claims are not anticipated by the article.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection.

In view of the foregoing, applicants respectfully request the Examiner to reconsider and withdraw the all pending rejections, and to allow all of the claims pending in this application.

If the Examiner has any questions or comments regarding this matter, he is welcomed to contact the undersigned attorney at the below-listed number and address.

Respectfully submitted,

**NATH & ASSOCIATES**

Date:

June 19, 2003

**NATH & ASSOCIATES**

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